REMARKS

An excess claims fee for three excess total claims is included herewith.

Claims 1-48 are all the claims presently pending in the application.   Claims 46-48 are added.

It is noted that Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicants gratefully acknowledge that claims 5-7, 16, 21-23, 28, 32-35, and 44 would be allowable if rewritten in independent form. However, Applicants respectfully submit that all of the claims are allowable over the prior art currently of record, as explained below.

The Examiner objects to claims 17, 24, 29, and 36 for lack of antecedent basis. Applicants cannot agree with this objection, since the antecedent basis for the nouns "file names" and "property file names" is clearly provided earlier in the limitation itself. As best understood, the Examiner is concerned with an antecedent basis for the adjective "required". Applicants submit that no antecedent basis is required for adjectives, but, in an attempt to expedite prosecution, have amended the claims to eliminate the possibility of interpretation that antecedent basis is lacking. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this objection.

Claims 1-4, 8-14, 17-20, 24-27, 29-32, 36-42, and 45 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Tomat, et al. (U.S. Patent No. 6,784,925). Claims 15 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomat, et al.

These rejections are respectfully traversed in the following discussion.

I.   THE CLAIMED INVENTION

The claimed invention, as exemplarily defined in, for example, independent claim 1, is directed to an image information obtaining method in which an image information receiving end can select a desired image file according to information about directories presented by an image information transmitting end and receives an image of the selected image file.

The method includes, at the image information transmitting end, classifying a plurality of images recorded in a recording medium under parameters that represent

properties of the plurality of images. <u>Directories</u> are produced, <u>at the image transmitting end,</u> into which to register image files or file names of the classified images in <u>*each*</u> parameter. File names are registered as required for each image.

In the image information receiving end, a display is provided of at least a portion of a <u>hierarchical tree structure in accordance with the directories,</u> from which can be selected a desired image file of a desired parameter according to the information about the directories produced by the image information transmitting end. An image of the selected desired image file of the desired parameter is received from the image information transmitting end.

Conventional methods do <u>not</u> have the feature of the present invention in which a <u>directory system</u> is set up at the <u>transmitting</u> end (e.g., in the <u>camera</u>). Rather, the <u>directory structure, if any, results due to user manipulation in a peripheral device</u> such as a computer upon which is executing an image process application program such as a <u>photo processing application program</u>.

In contrast, the present invention teaches a method in which the <u>camera itself</u> (e.g., the <u>transmitting</u> end apparatus) has the capability of <u>generating the directory structure.</u> Moreover, the directory structure can be based on providing a directory for <u>each parameter</u> associated with the images.

There are several advantages of this novel approach, including the ability to select which of the images are to be selectively received, based, for example, on selecting files having only a specific property (e.g., shooting conditions, etc., in an exemplary non-limiting example). As new claims 46-48 emphasize, the directory structure can comprise <u>virtual</u> directories.

Another advantage is that the receiving end can be a <u>cellular telephone</u> as modified to interact with the transmitting end. The cellular phone can then forward the image to a printer or Internet server.

That is, one important motivation behind the present invention has been that the <u>virtual</u> directory information comprises smaller amount of data, which then can be conveniently transferred and browsed in the cellular phone. The advantage of this is that the transfer of such <u>virtual</u> directory information from the camera ("image information transmitting end") to the phone ("image information receiving end") is faster and consumes less memory especially in the receiving side than transferring/browsing the complete original images.

After selection by the user, the real size image(s) can then be pulled to the cellular

phone, as necessary. Preferably, the camera also produces thumbnail images and puts this information available to the virtual directories (e.g., see claim 3).

The prior art fails to provide this capability and, indeed, fails to even recognize this problem, let alone provide the unique solution of the present invention.

II.   THE PRIOR ART REJECTION

The Examiner continues to allege that Tomat teaches the claimed invention as defined by claims 1-4, 8-14, 17-20, 24-27, 29-32, and 36-42 and renders obvious the invention defined by claims 15 and 43. Applicants again respectfully disagree and submit that there are elements of the claimed invention which are neither taught nor suggested by Tomat, even if the display of Figure 22 were to be considered indicative of a directory structure within the camera.

That is, as best understood from the comments in Paragraphs 3 and 4 beginning on page 2, the Examiner continues to allege that the canisters, each containing up to 50 photo groups, "... *is thought and operated upon as a folder in a directory structure.... The file organization disclosed by Tomat et al. represents a directory wherein the images are files in canisters that are actually folders, in which the files and canisters all belong to a hierarchical structure under the camera memory (root directory)*."

In response, Applicants submit that one of ordinary skill would not agree with the Examiner's characterization of the hierarchical structure shown in Figure 22.

In the Notice of Panel Decision from Pre-Appeal Brief Review mailed on December 12, 2005, the panel's report provided no comments, presumably indicating that they considered that an issue of fact remained relative to whether the canisters of Tomat could be considered as providing a directory structure.

However, even presuming that these data structures are considered equivalent to directories, neither the panel's report nor the rejection currently of record reflects any attempt to demonstrate satisfaction in Tomat that each image parameter provides the basis for its own directory, as required by the plain meaning of the claim language.

This requirement is clearly not met in the structure 192 shown in Figure 22 of Tomat, since it clearly lacks any indication of directories based on "each parameter" that "represents a property of the images."

Therefore, Applicants respectfully request that the Examiner expressly address this claim limitation on the record, including a precise location in Tomat that supports the

Examiner's position. Again, Applicants submit that, until the Examiner presents some indication on the record as to how Tomat satisfies such description, the rejection currently of record clearly fails to meet the initial burden of a *prima facie* rejection.

Hence, turning to the clear language of the claims, in Tomat there is no teaching or suggestion of: "... the image information transmitting end: classifying a plurality of images recorded in a recording medium <u>under parameters that represent properties of the plurality of images</u>; producing directories in which to register image files or file names of the classified images in *EACH* parameter; and <u>registering file names as required for each image</u> ....", as required by independent claim 1. Independent claims 8, 17, 24, 29, and 36 have similar language.

Therefore, Applicants submit that there are elements of the claimed invention that are not taught or suggest by Tomat, and the Examiner is respectfully requested to withdraw this rejection.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicants submit that claims 1-48, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a <u>telephonic or personal interview</u>.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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